



1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
JOHN L. BARBER, SB# 160317

2 E-Mail: John.Barber@lewisbrisbois.com
3 ALISON M. MICELI, SB# 243131
E-Mail: Alison.Miceli@lewisbrisbois.com
4 650 Town Center Drive, Suite 1400
Costa Mesa, CA 92626
5 Telephone: 714.545.9200
Facsimile: 714.850.1030

6
7 RACHEL J. LEE, SB# 225263
E-Mail: Rachel.Lee@lewisbrisbois.com
8 633 West 5th Street, Suite 4000
Los Angeles, CA 90071
9 Telephone: 213.250.1800
Facsimile: 213.250.7900

Dated: June 25, 2015

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11 Attorneys for Defendant
RANDSTAD INHOUSE SERVICES, L.P.

12
13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

15
16 ADAN ORTIZ, on behalf of himself, all others
similarly situated, and the general public,

17 Plaintiff,

18 vs.

19 RANDSTAD INHOUSE SERVICES, L.P., a
20 Delaware Limited Partnership; and DOES 1-
10, inclusive,

21 Defendants.
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CASE NO. 13-CV-05050-MMC (JCS)

**DEFENDANT'S CASE MANAGEMENT
STATEMENT**

Date: June 26, 2015
Time: 10:30 a.m.
Dept.: Courtroom 7, 19th Floor
Judge: Hon. Maxine M. Chesney

Pursuant to this Court's April 20, 2015 Minute Order Setting a Telephonic Further Case Management Conference, Defendant Randstad InHouse Services, Inc. ("Defendant" or "Randstad") hereby submits the following Case Management Statement.

Defendant was forced to file a separate Case Management Statement because counsel for Plaintiff Adan Ortiz ("Plaintiff" or "Ortiz") still has not indicated whether they will agree to stipulate to continue the Case Management Conference or not. Defendant's counsel contacted Plaintiff's counsel on June 4, June 17, June 18, June 22, June 23 and June 24, 2015, attempting to confirm whether a Case Management Conference would be necessary, but has not gotten a response either way. As a result, Defendant was forced to file its own Case Management Statement.

I. NATURE OF CASE

Plaintiff has filed a wage and hour class action against Defendant alleging causes of action for (1) failure to provide meal periods, (2) failure to provide rest periods, (3) failure to pay hourly wages¹, (4) failure to provide accurate written wage statements, (5) failure to timely pay all final wages, (6) unfair competition, and (7) civil penalties.

Defendant contends that it maintained legally compliant policies and practices, provided legally compliant meal and rest breaks, provided accurate itemized wage statements and timely paid all wages due to its non-exempt employees upon separation of employment. Defendant further contends that class certification is not proper because Plaintiff is an inadequate class representative and cannot satisfy the requirements under Federal Rule of Civil Procedure 23.

II. STATUS OF DISCOVERY

Since the last Case Management Conference, a *Belaire* Notice was mailed by a third party administrator to an agreed upon random sampling of proposed class members. The notice process was recently completed and Plaintiff's counsel was provided with the names, home addresses and telephone numbers of the proposed class members that did not opt out of the disclosure process. Importantly, the type of contact information that would be disclosed (i.e. name, home address and

¹ On March 12, 2015, the Court granted Defendant's Motion for Partial Summary Judgment as to Plaintiff's Third Cause of Action for Failure to Pay Hourly Wages.

1 telephone numbers of the proposed class members that did not opt out of the disclosure process.
 2 Importantly, the type of contact information that would be disclosed (i.e. name, home address and
 3 telephone number) to Plaintiff's counsel was agreed upon by the parties prior to distributing the
 4 *Belair* Notice to the putative class.

5 Defendant is currently in the process of gathering corresponding time and payroll records for
 6 an agreed upon sampling of the proposed class members that did not opt out of the disclosure process.

7 With regards to written discovery, Defendant has supplemented its document production on
 8 two separate occasions since the last Case Management Conference was held. Defendant has also
 9 provided further supplemental responses to Plaintiff's first set of Special Interrogatories and a second
 10 set of supplemental responses to Plaintiff's first set of Requests for Production of Documents.

11 **III. CONTINUANCE OF CASE MANAGEMENT CONFERENCE**

12 The parties are on track with the upcoming deadlines set by the Court. Therefore, Defendant
 13 respectfully requests that the Court continue the Case Management Conference scheduled for June 26,
 14 2015 for approximately ninety (90) days or to September 25, 2015, based on the Court's availability.

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 16 Dated: June 25, 2015

LEWIS BRISBOIS BISGAARD & SMITH LLP

17
 18 By: /s/ Alison M. Miceli

19 John L. Barber

20 Rachel J. Lee

21 Alison M. Miceli

22 Attorneys for Defendant

23 RANDSTAD INHOUSE SERVICES, L.P.